

REMARKS

Pending in the application are Claims 1-51, of which Claims 1, 10, 15, 22, 30, 39, and 45 are independent. Currently rejected are claims 1-51. The following comments address all stated grounds for rejection and Applicants submit that the presently amended claims, as identified above, are in condition for allowance.

Amendment and/or cancellation of the claims is not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

35 U.S.C. §102 Rejections

Claims 1-3, 22-24, 30-32, 39, and 45 have been rejected under 35 USC §102 (e) as being anticipated by Milton, et al. The Examiner further rejects Claims 1-4, 22-25, 30-33, 39, and 45 as being anticipated by Hutchinson, et al. Applicants respectfully traverse these objections and submit that the pending claims distinguish patentable over the cited art.

Claim rejections in view of Milton, et al.

Addressing the Examiner's rejection to Claims 1-3, 22-24, 30-32, 39, and 45, of which Claims 1, 22, 30, 39, and 45 are independent, Applicant submits that the presently amended claims are not anticipated by the Milton reference. As recited in the presently amended claims, an optical node for dropping *a select set of predetermined wavelengths from a multi-wavelength optical signal, wherein the select set contains only a portion of the wavelengths in the bands*, is recited. The dropping of these select set of predetermined wavelengths is accomplished using an optical drop unit containing a drop filter capable of dropping the *select* set of wavelengths, including wavelength from different bands, while simultaneously forwarding wavelengths that do not comprise the select set. In contrast, Applicants respectfully submit that Milton fails to disclose this select set of predetermined dropped wavelengths, but rather drops a "plurality of bands." The dropping of a plurality of bands, as opposed to the select set of wavelengths, is noted by the Examiner in the Response to Arguments section of the pending office action. These "plurality of bands" consist of multiple wavelengths, as opposed to select individual wavelengths. In lieu of such language, Applicants respectfully submit that Milton fails to recite

or disclose each element of the pending claims. Applicants further submit that dependent Claims 2-3, 23-24, 31-32 are further in condition for allowance by their very nature as dependent claims. In light of this, Applicants respectfully request the Examiner withdraw those rejections under 35 USC 103 directed toward Claims 1-3, 22-24, 30-32, 39, and 45 and pass said claims to allowance.

Claim rejections in view of Hutchinson

The Examiner has further rejected Claims 1-4, 22-25, 30-33, 39, and 45, of which Claims 1, 22, 30, 39, and 45 are independent, in view of Hutchinson. Applicants respectfully traverse these objections and submit that the pending claims distinguish patentable over the cited art. As recited by the Examiner, Hutchinson recites “dropping a channel n comprising a band of wavelengths of light centered around a wavelength λ_n .” In contrast the present invention recites the dropping of one or more of a select set of predetermined wavelengths, as opposed to the entire wide channel, comprising a band of wavelengths, of Hutchinson.

As Hutchinson fails to recite or disclose the dropping of a *predetermined select set of wavelengths from a multi-wavelength optical signal, wherein the select set contains only a portion of the wavelengths in the bands*, while the remainder of wavelengths that are not within the select set of wavelengths to be dropped are forwarded, Applicants respectfully submit that independent Claims 1, 22, 30, 39, and 45 are in condition for allowance as currently presented. Applicants further submits that those rejected dependent claims which rely on the aforementioned independent claims for support are further in condition for allowance by their very nature as independent claims. In light of this, Applicants respectfully ask that the Examiner pass Claims 1-4, 22-25, 30-33, 39, and 45 to allowance.

35 U.S.C. §103 Rejections

In the Office Action, the Examiner rejects Claims 6-10 and 12-21 under 35 U.S.C. 103(a) as being unpatentable over Milton in view of Farries (U.S. Patent No. 6,201,907B1). Applicants submit that, as noted by the Examiner in the present Office Action, the Milton art fails to teach or suggest the dropping of one or more of a select set of predetermined wavelengths from a multi-wavelength optical signal. The art to Farries recites a multi channel multiplexer/demultiplexor using at least one multi-port optical circulator and a plurality of Bragg optical fiber gratings. The use of the Bragg grating in Farries proves beneficial as accurate and efficient

channel separation can be had with little signal loss. As recited by the Examiner in the pending office action, a group of wavelengths within a band may be reflection upon introduction to a grating. This “band” of Farries clearly includes a plurality of wavelengths which define the band. For example, the Examiner notes that a “band” may consist of multiple wavelengths, such as $\lambda_1-\lambda_4$ defining a band “A” and $\lambda_5-\lambda_8$ defining a band “B”.

In contrast, the present invention provides for the dropping of one or more of a select set of wavelengths from a multi-wavelength optical signal, wherein the select set contains only a portion of the wavelengths in the bands. Dropping of a wavelength such as this equates to the dropping of an individual wavelength from a “band” of Farries, as opposed to the dropping of the entire band recited by Farries. The dropping of an individual wavelength, in accordance with the present invention, is disclosed in claims 6 and 12, for example, which recite the dropping of an individual wavelength, as defined in a select set of predetermined wavelengths, from a band of wavelengths in the network.

Claim 11 was further rejected under 35 USC 103(a) as being unpatentable over Milton, and Farries and further in view of Scobey et al (U.S. Patent No. 6,389,188 B1) and Canoglu et al. (U.S. Patent No. 6,407,838 B1). Applicants respectfully traverse this rejection and submit that the cited Milton and Farries references fails to render Claim 10, on which Claim 11 depends, obvious, as Milton and Farries fails to teach or suggest the dropping of a pre-selected wavelength from an optical signal in accordance with the present invention. Additionally, Applicants submit that the Scobey reference again recites the dropping of an entire band, comprising multiple wavelengths, as opposed to an individual wavelength recited in the present invention. Additionally, in regards to the Canoglu reference, Applicants submit that Canoglu fails to teach or suggest the dropping of a *predefined select* set of wavelengths from different bands, as recited in independent Claim 10, but rather *teaches away* from dropping a *fixed* set of wavelengths from different bands, as Canoglu specifically requires that the node be capable of changing the set of wavelengths that are added and/or dropped at the node. In view of this, Applicants submit that the cited combination of references fails to render the present Claim 11 obvious.

Claims 4 and 5 are additionally rejected as being obvious in view of Milton, Farries, and Scobey and further in view of Hutchinson. Applicants disagree, and submit that the cited Milton, Farries and Scobey references fail to teach or suggest the dropping of a predefined subset of wavelength from a bundle of wavelengths as set forth in independent Claim 1, on

which Claims 4 and 5 rely. In light of this, as well as those arguments set forth prior, Applicants respectfully requests the passage of Claims 4-5 to allowance.

Claims 6-10,12-21, 26-32, 35-38, 40-44, and 46-51 are further rejected as being obvious in light of Milton in view of Nielsen (U.S. Patent No. 6,559,988B1) Applicants traverse, and respectfully submit that the addition of the Nielsen reference fails to render the aforementioned claims obvious as the cited references, alone or in combination, fail to recite or disclose the dropping of a predefined select set of wavelengths as recited in Claims 1, 10, 15, 30, 39, and 45, on which Claims 6-9, 12-14, 16-21, 26-29, 31-32, 35-38, 40-44, and 46-51 rely on for support. In view of this, Applicants respectfully request that the Examiner pass Claims 6-10,12-21, 26-32, 35-38, 40-44, and 46-51 to allowance as drafted

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SYCS-008, from which the undersigned is authorized to draw.

If there are any remaining issues, we invite a call to the Applicants' representative at the telephone number listed below.

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Respectfully submitted,

By


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